



Alabama State Board of Auctioneers

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MINUTES Board Meeting December 10, 2012

The Alabama State Board of Auctioneers met on Monday, December 10, 2012 at the Board offices located at 2777 Zelda Road, Montgomery, Alabama, for the purpose of conducting Board business. Those in attendance were as follows: Mr. Ken Garner (Chair), Mr. Bryant Wood, (Vice Chair), Mr. Bryan Knox (Secretary/Treasurer), Mr. David Starnes, Member, Mr. Johnny Vetra, Member, and Mr. Michael Langford, Member. Board members not in attendance were Mr. Buddy Ray and Mr. Mark Lane. The Board, consisting of a quorum, continued with a voting meeting. Also present were Mr. Keith Warren (Executive Director), Ms. Dana Billingsley (Board Counsel), Mr. Carl Mike James (Board Investigator), and Ms. Renee' Reames (Executive Secretary to Mr. Warren).

The meeting was called to order at 9:30 a.m. by Ken Garner, Chair.

The rescheduled meeting was advertised on the Board's web site, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.state.al.us, in accordance with the Alabama Open Meetings Act. Mr. Garner welcomed members present at the meeting and Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

The minutes of the November 15, 2012 meeting were submitted to the Board, prior to the meeting, for their review. Mr. Wood made a motion to dispense with the reading of the minutes and to accept the minutes as presented. The motion was seconded by Mr. Starnes and unanimously approved by the Board.

Mr. Warren presented a signed Consent Agreement from Mr. Lewis Whitlock for the Board's approval. Mr. Knox made a motion to accept the Consent Agreement offered to Mr. Lewis Whitlock regarding his violations of Section 34-4-20, Code of Alabama, 1975, including the assessment of a Two Thousand Dollars (\$2000) fine and Mr. Whitlock agreed to immediately cease and desist conducting auction business in the State while unlicensed. The motion provided that the Recommended Order be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Langford and unanimously approved by the Board.

Mr. Warren then presented a signed Consent Agreement from Mr. Conrad Green for the Board's approval. Ms. Billingsley reported on the violations stipulated in the Agreement. Mr. Wood made a motion to accept the Consent Agreement offered to Mr. Green, regarding his multiple violations of

Sections 34-4-20 and 34-4-21(c), Code of Alabama, 1975, including a Three Thousand Dollars (\$3000) fine, withdraw his pending application for an Auctioneer license with the Board and Mr. Green agreed to cease and desist conducting auction business in the state of Alabama while unlicensed. The Consent Agreement restricts Mr. Green's ability to reapply for licensure for six months following the successful completion of his court-ordered probation for his criminal convictions. Upon reapplication, Mr. Green shall inform the Board in writing of the nature of any and all traffic violations he has received from the effective date of the Board's Final Order to the date of his reapplication for licensure. Mr. Green further agrees that he shall not reapply for licensure until the imposed fine is paid in full. The motion provided that the Recommended Order be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Starnes and unanimously approved by the Board.

Mr. Warren reported on his communications with representatives of certain interest groups concerning changes to the Board's statute. Ms. Billingsley indicated that clarification from interested parties is needed in the matter of exemptions. Mr. Warren reported that he would submit a copy of the proposed legislation to the Legislative Committee, comprised of Messrs. Wood, Starnes, and Knox. Copies would also be provided to the entire Board. Mr. Warren reported that a House sponsor will be needed.

Mr. Warren reported that he is submitting copies of resumes to the Governor's office for his consideration regarding appointments to the Board.

Mr. Warren reported that administrative law judge services being utilized at the hearing for Mr. Tom Wieck are being provided at no cost through the State Personnel Board.

The Board reviewed the proposed meeting calendar for 2013. The Board agreed to change the January meeting date to January 22, 2013. Mr. Wood made a motion to approve the meeting dates as amended. The motion was seconded by Mr. Vetra and unanimously approved by the Board.

The Board recessed at 10:12 a.m., prior to the Administrative Hearing scheduled at 11:30 a.m.

At approximately 11:25 a.m., the Board reconvened.

At approximately 11:30 a.m., the Board entered into administrative hearing in the matter of Mr. Tom Wieck, with the Honorable Jerry Wood presiding. Mr. Wieck did not appear. The hearing proceeded in Mr. Wieck's absence and adjourned at 12:07 p.m. A Recommended Order in this matter will be prepared by Judge Wood and submitted to the Board for its consideration at the next Board meeting.

The Board meeting resumed and Mr. Warren reminded the Board members about attending the Board Training scheduled for January 23, 2013.

There being no further business. Mr. Garner adjourned the meeting at 12:19 p.m.

Respectfully Submitted,



Ken Garner
Chair



Keith E. Warren
Executive Director